

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO.: 88-469-A

AMENDED ORDER

WHEREAS, the relief requested in the above captioned matter was granted in a memorandum and order dated June 2, 1988;

WHEREAS, the Order granting the variance also contained approval of the first amended partial development plan of Section 2, "McDonogh Township" to allow the changes permitted by the variance;

WHEREAS, the Zoning Commissioner has determined that an amendment to the partial development plan is not required in addition to the variance, pursuant to the precedent set in Zoning Commissioner Case No.: 86-441-A, which allowed a developer to obtain a yard area variance without the need for amending the Final Development Plan where the minimum yard area remained the same.

PETITION FOR ZONING VARIANCE

1801.2.C.6(V.B.7.CMDP): 301.1 to permit a yard area of less than 500 square feet for lots 2, 3, 4, 65 and 67 and to permit an open projection for less than 18.75 feet for lots 1, 3, 4 and 5 and to approve...

... to permit a yard area of 413 square feet for lot 2, 360 square feet for lot 3, 313 square feet for lot 4, 444 square feet for lot 65 and 457 square feet for lot 67, all in lieu of the required 500 square feet and to permit an open projection of 18.00 feet for lots 1 and 3, 15.67 feet for lot 4 and 18.33 feet for lot 5, all in lieu of the required 18.75 feet (and to approve the 1st amended partial development plan of Section 2, "McDonogh Township" to allow the above changes.)

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of June, 1988 that the request to permit an amendment to the partial development plan of Section 2, "McDonogh Township" granted in the Order dated June 2, 1988 be and hereby is withdrawn, as such an amendment is not required.

IT IS FURTHER ORDERED that all of the provisions and restrictions of the Order dated June 2, 1988 shall remain in full force and effect.

J. Robert Haines
Zoning Commissioner of Baltimore County

JRH
CC: John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204
People's Counsel
File

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-469-A
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 2, "McDonogh Township" to allow the above changes, as more particularly described on Petitioners' Exhibit 1.

SEE SEPARATE PAGE
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 2, "McDonogh Township" to allow the above changes, as more particularly described on Petitioners' Exhibit 1.

To be determined at hearing

and advertised as prescribed by Zoning Regulations.

ses of above Variance advertising, posting, etc., upon filing of this are to be bound by the zoning regulations and restrictions of nt to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
(Type or Print Name)

Signature

Edward A. Berman; Sharon Berman; DiCicco
(Type or Print Name) Joseph L. Asta; Anna D. Asta; Paul M. DiCicco; Agnes M. DiCicco; Robert Albert; Lawrence B. Berman
Signature

c/o Louis C. Smith
1531 Edgewood Street
Baltimore, Maryland 21227
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John B. Howard
Name
210 Allegheny Avenue
Address
823-4111
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of June, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 26th day of MAY, 1988, at 11 o'clock A.M.

ESTIMATED LENGTH OF HEARING - 1/2 HR.
AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS (over)
REVIEWED BY: J. Robert Haines
DATE: 8-2-88
Zoning Commissioner of Baltimore County.

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE # 88-469-A

MEMORANDUM AND ORDER

The Petitioners herein request a zoning variance to permit a yard area of less than 500 sq. ft. for lots 2, 3, 4, 65 and 67 and to permit an open projection for less than 18.75 ft. for lots 1, 3, 4 and 5 and to permit a yard area of 413 sq. ft. for lot 2, 360 square ft. for lot 3, 313 sq. ft. for lot 4, 444 sq. ft. for lot 65 and 457 sq. ft. for lot 67, all in lieu of the required 500 sq. ft. and to permit an open projection of 18.00 ft. for lots 1 and 3, 15.67 ft. for lot 4 and 18.33 ft. for lot 5, all in lieu of the required 18.75 ft. (and to approve the 1st amended partial development plan of Section 2, "McDonogh Township" to allow the above changes.), as more particularly described on Petitioners' Exhibit 1.

The Petitioner was represented by attorney Regan Smith of Cook, Howard, Downes and Tracy.

There were no Protestants.
Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, it is the opinion of the Zoning Commissioner that the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations

(B.C.Z.R.) and, therefore, the variances should be granted. There is no evidence in the record that the subject variances would adversely affect the health, safety, and/or general welfare of the public.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, in the opinion of the Zoning Commissioner, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 2nd day of JUNE, 1988 that a zoning variance to permit a yard area of less than 500 sq. ft. for lots 2, 3, 4, 65 and 67 and to permit an open projection for less than 18.75 ft. for lots 1, 3, 4 and 5 and to permit a yard area of 413 sq. ft. for lot 2, 360 square ft. for lot 3, 313 sq. ft. for lot 4, 444 sq. ft. for lot 65 and 457 sq. ft. for lot 67, all in lieu of the required 500 sq. ft. and to permit an open projection of 18.00 ft. for lots 1 and 3, 15.67 ft. for lot 4 and 18.33 ft. for lot 5, all in lieu of the required 18.75 ft. (and to approve the 1st amended partial development plan of Section 2, "McDonogh Township" to allow the above changes.) be and is hereby GRANTED, subject to the following restrictions:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would

be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
Zoning Commissioner of Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

June 2, 1988



Thomas F. Rasmussen
County Executive

Regan Smith, Esquire
Cook, Howard, Downes and Tracy
210 Allegheny Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
Case No. 88-469A
Richmond American (995 Corp.)

Pursuant to the recent hearing held on the above captioned case, please be advised that your Petition for Zoning Variance has been Granted, copy of which is attached hereto.

If you have any questions concerning the above matter, please do not hesitate to contact this office.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mmm
att.
CC: Peoples Counsel

DESCRIPTION TO ACCOMPANY
VARIANCE PLAT FOR LOTS 1, 2, 3, 4, 5, 65 & 67
SECTION TWO, MCDONOUGH TOWNSHIP

PART ONE:

Beginning at a point which is 38' southeasterly from a point on the centerline of International Circle, a 40' right of way, which centerline point is northwesterly 330 feet and southwesterly 74 feet from the intersection of the westerly right of way line of Pittsfield Road, a 60 foot road with the northerly right of way line of McDonough Road, a 70' road, and being lots 1, 2, 3, 4, and 5 in the subdivision of McDonough Township, Section Two, recorded among the Land Records of Baltimore County, Maryland, in Plat Book E.H.K., Jr. 55 folio 10. Also known as #2, #4, #6, #8, and #10 Bayshire Court in the 3rd Election District.

PART TWO:

Beginning at a point 42' southeasterly from a point in the centerline of Upperfield Lane, a lane of variable right of way, which centerline point is northwesterly 810 feet and southwesterly 225 feet from the intersection of the westerly right of way line of Pittsfield Road, a 60 foot road, with the northerly right of way line of McDonough Road, a 70' road, and being lot 67 in the subdivision of McDonough Township, Section Two, recorded among the Land Records of Baltimore County, Maryland, in Plat Book E.H.K., Jr. 55 folio 10. Also known as #8009 Upperfield Lane in the 3rd Election District.

PART THREE:

Beginning at a point 42' southeasterly from a point in the centerline of Upperfield Lane, a lane of variable right of way, which centerline point is northwesterly 810 feet and southwesterly 265 feet from the intersection of the westerly right of way line of Pittsfield Road, a 60 foot road, with the northerly right of way line of McDonough Road, a 70' road, and being lot 65 in the subdivision of McDonough Township, Section Two, recorded among the Land Records of Baltimore County, Maryland, in Plat Book E.H.K., Jr. 55 folio 10. Also known as #8013 Upperfield Lane in the 3rd Election District.



CERTIFICATE OF PUBLICATION

TOWSON, MD. May 5, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. appearing on May 5, 1988.

THE JEFFERSONIAN,

L Susan Shuler Shurt
Publisher

\$45.00

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner
FROM: P. David Fields, Director, Office of Planning and Zoning
SUBJECT: Zoning Petition #88-469-A
Date: April 26, 1988

There are no comprehensive planning factors requiring comment on this petition.

PDF/JH/jat
cc: Shirley Hess, People's Counsel
Zoning File

David Fields per J. Howell
Office of Planning and Zoning

RECEIVED
APR 27 1988
ZONING OFFICE

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Zoning Variance
CASE NUMBER: 88-469-A
McDonough Township, Section II, Lots 1, 2, 3, 4, 5, 65 and 67
Petitioner(s): Richmond American (995 Corporation)
HEARING SCHEDULED: THURSDAY, MAY 20, 1988 at 11:00 a.m.
Petitioner to permit a yard area of less than 800 sq. ft. for lots 2, 3, 4, 5, 65 and 67 and to permit an open projection for lots 1, 2, 3, 4, 5, 65 and 67 and to permit a yard area of 412 sq. ft. for lot 67, all in line of the rounded 800 sq. ft. and to permit an open projection of 16,000 sq. ft. for lots 1 and 2, 15,477 sq. ft. for lot 4 and 16,332 sq. ft. for lot 5, all in line of the rounded 16,777 sq. ft. (and to remove the lot around partial development in the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Susan Shuler, Esq.
John B. Howard, Esq.
John

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner
FROM: P. David Fields, Director, Office of Planning and Zoning
SUBJECT: Zoning Petition #88-469-A
Date: April 26, 1988

There are no comprehensive planning factors requiring comment on this petition.

PDF/JH/jat
cc: Shirley Hess, People's Counsel
Zoning File

David Fields per J. Howell
Office of Planning and Zoning

RECEIVED
APR 27 1988
ZONING OFFICE

cc: John B. Howard, Esq.
3/4/88 JH

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: May 7, 1988
Posted for: Variance
Petitioner: Richmond American (995 Corporation)
Location of property: McDonough Township, Section II, Lots 1, 2, 3, 4, 5, 65 and 67
Location of Signs: NW Corner of Pittsfield Road and Pittsfield Road
Remarks:
Posted by: J. Howell
Number of Signs: 7

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 16th day of March, 1988.

Petitioner: Richmond American
Petitioner's Attorney: John B. Howard
Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 4, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md. once in each of 4 successive weeks, the first publication appearing on May 4, 1988.

TOWSON TIMES,

L Susan Shuler Shurt
Publisher

69.60

RE: PETITION FOR VARIANCES
McDonough Township, Section II, Lots 1, 2, 3, 4, 5, 65 & 67
3rd Election District
3rd Councilmanic District
RICHMOND AMERICAN (995 Corporation), Petitioner
Case No. 88-469-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Dputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 16th day of April, 1988, a copy of the foregoing Entry of Appearance was mailed to John B. Howard, Esquire, 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-6000

Date: MAY 11 1988

Re: Property Owner: Richmond American
Location: McDonough Township, Section II, Lots 1, 2, 3, 4, 5, 65 and 67
Item No.: 318
Zoning Agenda: Meeting of 3/15/88

McDonough Township, Section II, Lots 1, 2, 3, 4, 5, 65 and 67
Petitioner(s): Richmond American (995 Corporation)
HEARING SCHEDULED: THURSDAY, MAY 20, 1988 at 11:00 a.m.

Persons are advised that 12 1/2 cts. is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

BALTIMORE COUNTY, MARYLAND No. 52742

OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 5/24/88 ACCOUNT: Baltimore County

AMOUNT: \$ 129.60

RECEIVED FROM: Paul Howard, Esq.

FOR: Posting of signs 5/24/88 per J. Howell

U S 100*****1250124 88-419-A

VALIDATION ON SIGNATURE OF CARRIER

SUBMIT: John Howard, Esq.

FILE

Maryland and bring Office, County Office (15) minutes before

and post set(s), there for each set not

DATE: 5/24/88

TIME: 11:00 a.m.

PLACE: 111 W. Chesapeake Ave.

FILE

Baltimore County
Fire Department
Towson, Maryland 21204 2506
494-6000

March 11, 1988

Paul H. Roberts
J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Richmond American
Location: McDonough Township, Section II, Lots 1, 2, 3, 4, 5, 65 and 67
Item No.: 318
Zoning Agenda: Meeting of 3/15/88

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of 150 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved: [Signature]
Special Inspection Division Fire Prevention Bureau

7/1

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 6, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No. 318 - Case No. 88-469-A
Petitioner: Richmond American
Petition for Zoning Variance

Dear Mr. Howard:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning. Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This filing certificate and a hearing scheduled accordingly.

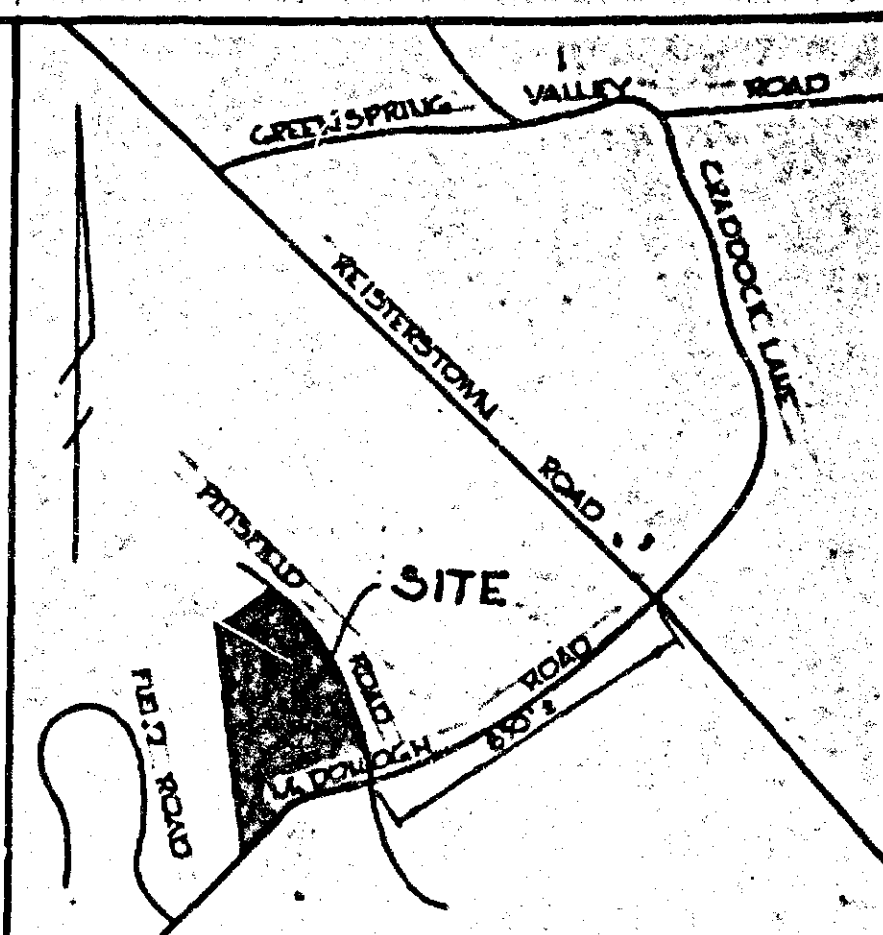
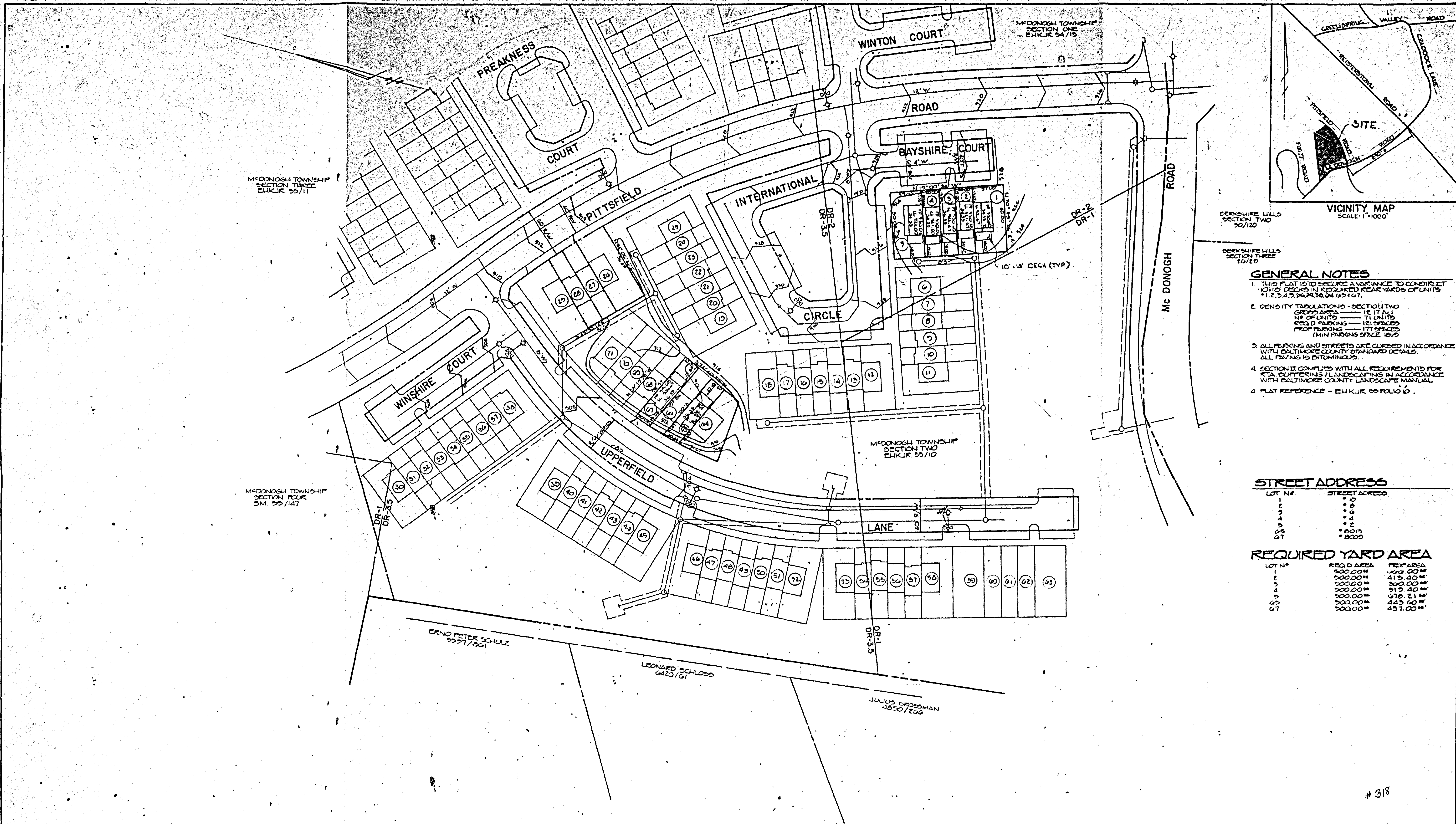
Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

cc: D. S. Thaler & Associates, Inc.
11 Warren Road
Baltimore, Maryland 21208



BERKSHIRE HILLS SECTION TWO 30/120
 BERKSHIRE HILLS SECTION THREE 60/120
 VICINITY MAP
 SCALE: 1" = 1000'

- GENERAL NOTES**
1. THIS PLAT IS TO SECURE A VARIANCE TO CONSTRUCT 10'x10' DECKS IN REQUIRED REAR YARDS OF UNITS #1, 2, 3, 4, 5, 6, 23, 24, 25, 26, 27, 40, 41, 42, 43, 44, 45, 46, 47.
 2. DENSITY TABULATIONS - SECTION II TWO
 GROSS AREA - 12.17 AC.
 NET OF UNITS - 71 UNITS
 REQ'D PARKING - 121 SPACES
 PROT PARKING - 171 SPACES
 (MIN PARKING SPACE 10'x10')
 3. ALL PARKING AND STREETS ARE CURBED IN ACCORDANCE WITH BALTIMORE COUNTY STANDARD DETAILS. ALL PAVING IS BITUMINOUS.
 4. SECTION II COMPLETS WITH ALL REQUIREMENTS FOR RTA, BUFFERING & LANDSCAPING IN ACCORDANCE WITH BALTIMORE COUNTY LANDSCAPE MANUAL.
 4. PLAT REFERENCE - EHKJR 55 FOLIO 10.

STREET ADDRESS

LOT NO.	STREET ADDRESS
1	10
2	8
3	6
4	4
5	2
6	2013
67	8003

REQUIRED YARD AREA

LOT NO.	REQ'D AREA	PROT AREA
1	500.00 sq. ft.	669.00 sq. ft.
2	500.00 sq. ft.	415.40 sq. ft.
3	500.00 sq. ft.	349.00 sq. ft.
4	500.00 sq. ft.	315.40 sq. ft.
5	500.00 sq. ft.	678.21 sq. ft.
6	500.00 sq. ft.	445.60 sq. ft.
67	500.00 sq. ft.	457.00 sq. ft.